

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

In re the Application of: **Garvey et al**

Application No: **09/478,222**

Group Art Unit: **1627**

Filed: **January 5, 2000**

Examiner: **B. Celsa**

For: **Nitrosated and Nitrosylated Alpha-Adrenergic Receptor Antagonists, Compositions and Methods of Use**

Attorney Docket No: **102258.346**

Assistant Commissioner of Patents
Washington, DC 20231

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TERMINAL DISCLAIMER

NitroMed, Inc. certifies that it is the owner of the entire right, title and interest in U.S. Application No. 09/478,222, filed January 5, 2000, entitled "Nitrosated and Nitrosylated Alpha-Adrenergic Receptor Antagonists, Compositions and Methods of Use" (hereafter the "above-identified application") by virtue of an assignment recorded in the U.S. Patent and Trademark Office on January 22, 1999, at Reel 9715, Frame 0593.

NitroMed, Inc. also certifies that it is the owner of the entire right, title and interest in U.S. Application No. 09/354,424, filed July 16, 1999, "Nitrosated and Nitrosylated Phosphodiesterase Inhibitor Compounds, Compositions and Their Uses" by virtue of an assignment recorded in the U. S. Patent and Trademark Office on April 30, 1999, at Reel 010080, Frame 0237.

Pursuant to 37 C.F.R. § 1.321, NitroMed, Inc. hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of any patent issuing from U.S. Application No. 09/354,424, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from U.S. Application No. 09/354,424, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Terminal Disclaimer
U.S. Application No. 09/478,222

NitroMed, Inc. does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of any patent issuing from U.S. Application No. 09/354,424, in the event that any patent issuing from U.S. Application No. 09/354,424 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.32(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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By:


L. Gordon Letts, Ph. D.
Senior Vice President, Research, Chief Scientific Officer
NitroMed, Inc.
12 Oak Park Drive
Bedford, MA 01730

Date:

